

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ZYNGA GAME NETWORK, INC.,

No. C-09-3636 SC (EMC)

Plaintiff,

v.

**ORDER RE JOINT LETTER OF
OCTOBER 5, 2009**

GREEN PATCH, INC.,

(Docket No. 61)Defendant.

On October 5, 2009, the parties filed a joint letter, explaining that, in spite of the Court's guidance as to how resolve a discovery dispute involving access of Zynga's in-house counsel to Green Patch's AEO documents, *see* Docket No. 59 (order, filed on 10/2/2009), they remained at an impasse. The Court has reviewed the joint letter as well as the parties' respective proposals as to the terms to be included in the protective order. Having reviewed such, the Court concludes that Zynga's approach is simpler and more in accordance with the Court's previous order. Accordingly, the Court orders that the parties include in the protective order Zynga's proposed § 12.3.

The Court also notes that, regardless of which documents Ms. Smith is allowed to access, Green Patch -- or for that matter, Zynga -- should not be overdesignating documents pursuant to the protective order. A party may be sanctioned for overdesignation.

Finally, the Court orders that, for all future meet-and-confer sessions, counsel with full

///


///

1 authority to resolve the discovery issue (*e.g.*, the attorney does not have to call more senior counsel),
2 must participate.

3 This order disposes of Docket No. 61.

4
5 IT IS SO ORDERED.

6
7 Dated: October 6, 2009

8
9 
EDWARD M. CHEN
United States Magistrate Judge